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from JAMES F. GOTTMAN
Direct: 937-449-6403 / Fax: 937-223-0724 / james.gottman@dinslaw.com

To: Patricia L. Nordmeyer
Art Unit 1772

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Docket STD 1200 PA/41213.551

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Application of

Applicants : Bryce C. Waggoner et al.
Serial No. : 10/685,095
Filed : October 10, 2003
Title : WRISTBAND FORM WITH OVERLAMINATE LABEL
Docket : STD 1200 PA/41213.551
Examiner : Patricia L. Nordmeyer
Art Unit : 1772
Conf. No. : 5499

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 Attorney - James F. Gourman

Reg. No. 27,262

Sir:

RESPONSE TO OFFICE ACTION

This is responsive to the rejection of November 21, 2005, in which the all of the claims pending in the application were rejected over various combinations of references. Claims 1-8, 10-20 and 22 were rejected as unpatentable over the Attia reference in view of the Haas reference. Claims 9 and 21 were rejected as unpatentable over the combination of Attia and Haas, further in view of the Charles reference. The prior rejections of these claims were withdrawn.

The present application relates to a printable wristband form. The wristband form includes a top ply that has a portion that is substantially transparent and a portion that is not substantially transparent. A die cut in the top ply defines an elongated wristband that includes at least part of the portion of the top ply that is not substantially transparent, so that print indicia can be received in this area. The top ply also has a die cut in the transparent portion that defines an overlaminant label. The overlaminant label is sized to cover at least a part of the print indicia receiving area.

The Examiner has rejected the majority of the pending claims as obvious under 35 U.S.C. 103 over the combination of Attia and Haas. The Examiner argues that Attia fails to disclose an opaque coating on the upper surface of the transparent ply in a central portion of the elongated wristband comprising a coating of a white, opaque ink and the transparent ply of substantially

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clear polyester film material, but that these elements are found in Haas. The Examiner further asserts that it would have been obvious in view of Haas to provide an opaque coating on the upper surface of the transparent ply in a central portion of the elongated wristband comprising a coating of white, opaque ink, and that it also would have been obvious in view of Haas to provide a transparent ply of a substantially clear polyester film material. The motivation for this combination of references is to "have a surface that absorbs the ink to form a display with regard to the status of the user as taught by Haas."

It is applicants' view that the Attia reference is mischaracterized by the Examiner in his explanation of the basis for the rejection. Referring to the Examiner's application of the Attia reference to claim 1 of the application, the top ply of the Attia wristband, sheet 13, can be made of any of a number of materials: "Sheet 13 can be any printable sheet material such as paper, synthetic paper or a pigmented or transparent film. Preferably, however, sheet 13 is a paper sheet which can have a surface coating to improve its printability, for example, by ink jet or electrophotographic, toner or by offset printing. Most preferably, sheet 13 is a printable card stock." (Column 3, lines 46 - 51.) The Examiner refers to sheet 13 as corresponding to the claimed "transparent ply." The "release ply" of Attia is the sheet or liner 23 which is made of paper, or any other flexible sheet material, "such as synthetic paper or polymeric film, opaque or transparent, that can be coated with a release composition or that otherwise releases readily from a pressure-sensitive adhesive layer, i.e., can be peeled from the adhesive layer without damage to either sheet. (Column 4, lines 21 - 27). Liner 23 carries a layer 28 of a silicone polymer. Claim 1 specifies that there is an "opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband" and "a die cut in said transparent ply defining an overlaminant label, said overlaminant label being sized to cover at least a part of said central portion of said elongated wristband so as to cover indicia printed on said opaque coating." There is, however, no "opaque coating" on the upper surface of sheet 13 in Attia, and there is no die cut in sheet 13 that defines an "overlaminant" label in the Attia disclosure.

The Examiner fails to acknowledge that the Attia form is missing a die cut in the "transparent ply" that forms an overlaminant label. Rather, he simply refers to column 3, lines 61 - 64. This portion of Attia, however, refers to a transparent film 20, which effectively constitutes the release sheet for half of the form. The Examiner also refers to column 5, lines 46 -50 of Attia

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which discuss the film portion 26 that is die cut in sheet 20 and that "provides a transparent protective cover for the printed area of wristband 37."

The Examiner acknowledges that Attia doesn't disclose "an opaque coating on the upper surface of the transparent ply in a central portion of the elongated wristband." The Examiner, however, points to Haas as teaching such a coating on the upper surface of a transparent ply in a central portion of an elongated wristband made of a white adhesive material. The Examiner refers to column 9, lines 10-12 and column 10, lines 1-5. In point of fact, the Examiner has totally misconstrued Haas. The Haas reference teaches an ID band that has two chemical compositions that mix together when the band is applied to a wearer. The chemical compositions produce warning indicia after a period of time. In Haas, a first chemical composition, e.g., a soluble ink, is distributed on the outer surface of the band proximate the first end. A display region is disposed in the band proximate the second end. A second chemical composition, e.g., an adhesive ink activator, is distributed on the inner surface of the band overlying the display region proximate the second end. When the band is wrapped around a user's wrist, with the outer surface exposed, the outer surface of the first end and the inner surface of the second end overlie and are in contact, preferably in adhesive contact, with each other. The first and second chemical compositions coact to cause a visually perceptible change in the display region after a predetermined time interval. Such visually perceptible change is viewable from the outer surface.

The Examiner's argument that it would be obvious to combine the teachings of Attia and Haas to produce the claimed invention simply doesn't make sense. Putting an adhesive coating on the top surface of the wristband of Attia would not permit overprinting, since such adhesive is intended to cause any ink to "migrate" (column 10, line 5). The adhesive coacts to produce the visible indicia indicating expiration of the band, or something similar. Thus, the combination of Attia and Haas would not meet all of the elements of claim 1. Furthermore, there is simply no reason why a person of ordinary skill would combine the teachings of Attia and Haas, as suggested by the Examiner. The production of a warning on the band of Attia is not something that Attia indicates is desirable, and there is no reason why the teaching of Haas would be used to modify the wristband of Attia. Further, claim 1 specifies that the opaque coating is on the upper surface of the transparent ply in a "central portion of said elongated wristband." The

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opaque adhesive of Haas is, of course, at the end of the Haas wristband. It would not be obvious to move the adhesive to the "central portion" since to do so would eliminate the adhesive function of the material. Further, if it were move to the "central portion" of the wristband, there would be no overlap of soluble ink. As a consequence, the adhesive would not be able to function either as an adhesive or as an image developer.

Claims 2 - 8 and 10 - 12 depend, either directly, or ultimately from claim 1. These claims are patentable for the same reasons given with respect to claim 1. Additionally, these claims provide a number of limitations that are not suggested by the Attia and Haas references.

Referring to claim 13, it is applicants' view that it would not be obvious to combine the Attia and Haas references for the same reasons as pointed out, above. Further, it will be seen that this claim is distinguishable from the combined teachings of the Attia and Haas references, because neither reference suggests a "die cut in said transparent portion of said top ply defining an overlaminated label, said overlaminated label being sized to cover at least a part of said print indicia receiving area." The overlaminated portion of the Attia reference is a part of the lower ply of the Attia form, not the "top ply," as called for by claim 13. The overlaminated portion of the Attia reference is not a "label" claim since it is not separately detachable from the patient wristband form. Rather, the overlaminated portion of the Attia reference is a flap in the lower ply which simply folds over to cover the printed information, as shown in Figs. 6 - 8 of Attia. It should be pointed out that the Haas reference likewise does not compensate for the deficiencies of Attia. Haas is, in fact, not directed to a wristband form at all, let alone one from which a wristband or an overlaminated label are cut. It is clear, therefore, that claim 13 is patentable over the cited Attia and Haas references.

Claims 14 - 20 and 22 depend, either directly, or ultimately from claim 13. These claims are patentable for the same reasons given with respect to claim 1. Additionally, these claims provide a number of limitations that are not suggested by the Attia and Haas references.

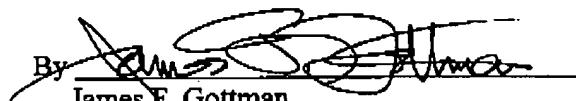
Claims 9 and 21 were rejected over Attia in view of Haas, and further in view of the Charles reference. Applicants point out that claims 1 and 13 are patentable over this combination of references for the same reasons as presented above with regard to independent claims 1 and 13.

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CONCLUSION

In summary, it is submitted that all of the claims pending in the instant application are patentable over the art for the same reasons as provided above.

Respectfully submitted,
DINSMORE & SHOHL LLP

By 
James F. Gottman
Registration No. 27,262

One Dayton Centre, Suite 1300
Dayton, OH 45402
Telephone 937/449-6403
Facsimile: (937) 449-6405
e-mail: james.gottman@dinslaw.com

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